

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Somnath Banik, *et al.*

Serial No.: 09/514,489

Filed: February 29, 2000

For: SYSTEM AND METHOD FOR COMMUNICATING DATA
OVER A RADIO FREQUENCY VOICE CHANNEL

Grp./A.U.: 2684

Examiner: Tu X. Nguyen

Confirmation No.: 2128

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Sir:

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

In response to the Examiner's Answer mailed August 9, 2006, the Appellants submit this
Reply Brief as required by 37 C.F.R. §41.41.

I. Reply to Examiner's Arguments

The Examiner notes his reliance on the second embodiment of Kato, not the first embodiment, to teach data transmission from a base station to a mobile voice station. (*See Examiner's Answer, page 5, first paragraph of section 10.*) As argued in the Appeal Brief, the Appellants understand the Examiner's reliance on the second embodiment of Kato. The second embodiment, however, like the first embodiment, does not teach or suggest data transmission from a base station to a mobile voice station as asserted by the Examiner.

The Examiner points out that the description of the second embodiment begins on column 8, line 35, of Kato. (*See Examiner's Answer, page 5, first paragraph of section 10.*) Kato describes the second embodiment as follows:

A second embodiment of the present invention is described with reference to FIG. 5. The second embodiment can be used with a base station that does not currently perform VOX control, because the second embodiment adjusts the base station so that it will perform VOX control. Thus, down-link packet data communication can be performed by using a channel under the VOX control by performing VOX control at the base station a, as well as at the mobile voice station b. *The mobile data station c transmits packet data during the silent period.* The present invention requires a channel having silent periods as a channel under VOX control. Thus, a channel having a silent period is found and used by the present invention. (*See Kato, column 8, lines 37-49. Emphasis added.*)

The second embodiment of Kato employs VOX control at the base station allowing packet data communication during the down-link. In Kato, up-link is described as when the user of the mobile voice station b is talking on a channel (*i.e.*, voice data from the mobile voice station b to the base station) and down-link is described as when the user may be listening to another party (*i.e.*, voice data from the base station to the mobile voice station b. (*See Kato, column 4, lines 45-49.*) Packet data, however, is still transmitted by the mobile data station c to the base station in the second

embodiment. (*See* Kato, column 8, lines 45-46.) Thus, the second embodiment of Kato, unlike the first embodiment, employs VOX control at the base station to allow sending packet data from the mobile data station c to the base station during the down-link.

The Examiner asserts that column 8, lines 45-46, of Kato refer to the first embodiment. (*See* Examiner's Answer, page 6, lines 1-2.) This cite, however, which is italicized above, is in the section that the Examiner indicates applies to the second embodiment. (*See* Examiner's Answer, page 5, first paragraph of section 10.) The Appellants find no indication from Kato that these lines in the middle of the description of the second embodiment refer to the first embodiment. As discussed throughout Kato, the mobile data station c transmits the packet data to the base station. (*See, for example*, column 3, lines 11-19, and the Abstract.) The second embodiment simply considers transmitting the packet data to the base station during down-links.

Additionally, the Examiner appears to equate employing VOX control at the base station to transmitting packet data from the base station to the mobile voice station b. (*See* Examiner's Answer, page 6, first paragraph.) The Appellants do not find any correlation between VOX or performing VOX control and transmitting packet data from a base station to a mobile voice station. As recognized by the Examiner, VOX (Voice-Operated Transmission), is a series of ending and beginning voice bursts. (*See* Examiner's Answer, page 6, and Kato, column 4, lines 58-59.) Thus, even if the base station in the second embodiment of Kato performs VOX control, this provides no teaching of suggestion of the base station transmitting data to the mobile voice station b.

Accordingly, Kato does not teach or suggest identifying a pause in voice traffic that is to be transmitted over the voice channel and responding to the pause by **causing a base station transmitter to transmit data to a cordless telephone receiver over the voice channel** as recited in

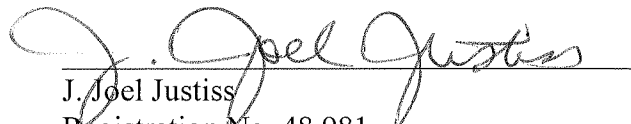
independent Claims 1, 8 and 15. Thus, Kato fails to teach or suggest each element of independent Claims 1, 8 and 15.

II. Conclusion

For a variety of reasons, including but not necessarily limited to those which are identified in the Applicants' prior responses, including those reasons set forth in this Reply Brief, the Claims are patentably nonobvious over Kato in view of Kim. Accordingly, the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner's Final Rejection of all of the Appellants' pending claims.

Respectfully submitted,

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